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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

DUCOTE

CIVIL ACTION NO. 14-0849 d

VERSUS

CHIEF JUDGE DEE D. DRELL

McKENZIE TRANSPORTATION COMPANY,  
et al

MAGISTRATE JUDGE JAMES D. KIRK

REPORT AND RECOMMENDATION

Before the court on referral from the district judge is plaintiff's motion to remand, doc. #12. Plaintiff filed suit in state court for herself and her minor child for damages as a result of an automobile accident. Defendants named were the adverse driver, his employer, their insurer, and plaintiff's uninsured motorist carrier, Southern Farm Bureau Casualty Insurance Company. An answer was filed by Louisiana Farm Bureau Casualty Insurance Company which asserted that it, not Southern Farm Bureau, is the proper party defendant, having issued the policy of insurance which plaintiff claims provides her uninsured motorist benefits.

Thereafter, the insurer of the driver and his employer removed the case to this court. It alleges that Louisiana Farm Bureau is not a party to the suit and that complete diversity exists among those parties who are named. Louisiana Farm Bureau is alleged by its attorney and by plaintiff in her proposed amended complaint to be a Louisiana resident. Southern Farm Bureau is alleged to be a Mississippi corporation.

By separate Memorandum Order, I granted the motion to amend in order that all proper

parties appear before the court in one suit. The applicable statute, 28 U.S.C. §1447(e), provides that “If after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State court.”

THEREFORE, IT IS RECOMMENDED, that the motion to remand, doc. #12, be GRANTED and this case be remanded to the 12<sup>th</sup> Judicial District Court, Parish of Avoyelles, State of Louisiana.

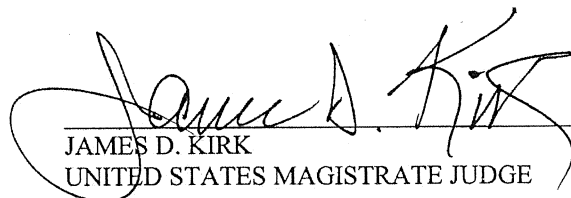
### **OBJECTIONS**

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed.R.Civ.P. 72(b), the parties have fourteen (14) calendar days from service of this Report and Recommendation to file specific, written objections with the clerk of court. . A party may respond to another party’s objections within **fourteen (14) days** after being served with a copy thereof. No other briefs (such as supplemental objections, reply briefs etc.) may be filed. Providing a courtesy copy of the objection to the magistrate judge is neither required nor encouraged. Timely objections will be considered by the district judge before making a final ruling.

**FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT UPON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE UN-OBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT**

**JUDGE.**

THUS DONE AND SIGNED in chambers, in Alexandria, Louisiana, on this 15<sup>th</sup> day of  
July, 2014.



JAMES D. KIRK  
UNITED STATES MAGISTRATE JUDGE